IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14175 of 2004

Between:

A.Prabhakar, s/o Late A.Narasaiah,
C/o L.Vijayender, H.No.1-3-183/40/46/3, Gandhinagar,
Hyderabad District

..... PETITIONER

AND

APSRTC, Musheerabad, Hyderabad rep.by its Vice Chairman & Managing Director.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction particularly one in the nature of Writ of Mandamus declaring the impugned proceeding No.R3/684(5)/03-H.R.D.dated 29-12-2003 as arbitrary, capricious, illegal and in violation of Art.14,16 & 21 of the Constitution of India and consequently direct the respondent to appoint his for officer under Training (Gen) either under 01 & 02. category along with all consequential benefits on par with his colleague found in the selection list 29-07-2003 in the interest of justice and fair play

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent No.: MR.K.HARINATH (SC FOR APSRTC)

The Court at the admission stage made the following:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.14175 OF 2004

ORDER:

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The petitioner was selected for 01 category post in the respondent-corporation by direct recruitment. During the medical examination, he was found to have defective vision in one eye. Therefore, the respondent-corporation issued impugned proceedings dated 29.12.2003 in favour of the petitioner stating that in view of the opinion of the medical board, he was declared unfit for 01 category post.

The petitioner, being aggrieved by the said order, made representations to the respondent-corporation on 23.12.2003 and 27.07.2004 requesting to consider his case and give him appointment by relaxing the condition of having good vision in both the eyes. Since the respondent-corporation did not pass any orders on the said representations, the petitioner approached this Court seeking a direction to the respondent-corporation to pass appropriate orders.

The learned counsel for the petitioner drew the attention of this Court to a circular No.PD.17/87, dated 11.02.1987. In the circular, under serial No.2 of the revised minimum vision standards, it is mentioned in respect of the officers that the officers are not required to drive and no minimum eye vision is prescribed 6/9 in better eye with glass 6/12 in worse eye with glasses. Under note No.4 in serial No.2 rules are as follows:

> "4. Absence of vision in one eye is a disqualification for officers in 01 category, but he could be considered for 02 category, subject to the recruitment regulations with the following criteria.
>
> a. The blind eye is affected as a result of a disense which is not present in the good eye or likely to affect the good eye in future.
>
> b. The good eye should have
>
> i) Normal vision i.e., 6/6

ii) Normal filed of vision.

iii) Fundus should be normal."

The learned counsel for the petitioner represented that the respondent-corporation be directed to consider the case of the petitioner at least for 02 category post.

In the light of the circumstances explained by the petitioner, the respondent-corporation is directed to pass appropriate orders on the representations of the petitioner dated 23.12.2003 and 27.07.2004 by keeping in view of the circular No.PD.17/87, dated 11.02.1987 and other qualifications of the petitioner on par with others, within a period of two months from the date of receipt of a copy of this order. The learned counsel for the petitioner submits that some candidates of similar disability were considered by the respondent-corporation for 01 category post. The petitioner may produce the order copies of the similar disabled candidates before the respondent-corporation, at the time of consideration of his representations.

The writ petition is accordingly disposed of. No order as to costs.

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(Dr.G.YETHIRAJULU, J)

Dated 11th August, 2004.

YCR

To

1. The Vice Chairman & Managing Director,

APSRTC, Musheerabad, Hyderabad.

2. 2 C.D. copies.